

LAWRENCE K. FEITELL

<b>USDS SDNY</b>
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225 BROADWAY, NEW YORK, N.Y. 10007  
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November 6, 2007

Hon. USDJ Victor Marrero  
United States Courthouse  
500 Pearl Street, Rm. 660  
New York, NY 10007-1316

Re: Sam Ning Son Chiang  
07-CR-00673 (VM)

Dear Judge Marrero:

I am counsel for the defendant Sam Chiang who is scheduled to be sentenced before your Honor on November 30, 2007, at 11:00 a.m. I am writing to seek an adjournment of the sentence, and I have spoken to AUSA Joshua Klein, who consents to the adjournment of the sentence.

On July 24, 2007, defendant entered a guilty plea to the felony crime of conspiracy to commit a sham marriage [8 USC 1325(c)]. At the time of the guilty plea, defendant was understood by us to be a naturalized United States citizen, having been certificated as such in the Eastern District Court on June 26, 1979. Defendant's certificate of naturalization bears the number #10815029. On or about Friday, October 26, 2007, I received a copy of the pre-sentence investigation report from USPO Sandra Campbell [Tel. (914) 390-4051]. At ¶ 33 of her report USPO Campbell states that according to Immigration and Customs Enforcement defendant is a permanent resident and may be subject to removal proceedings for violating the Immigration Act. Undersigned telephoned USPO Campbell to determine from her whether ¶ 33 of the PSR correctly questions defendant's citizenship. USPO Campbell stated that she would check into the matter further, but my additional call to her has produced no results. We would object to going forward with the sentence in a situation wherein the probation report appears to question defendant's U.S. citizenship status. We are requesting that a hearing prior to sentence be held since defendant's possible deportation could result from an implied determination that defendant is not a United States citizen. We have been working on our sentence memorandum, for which we also seek an adjournment, pending further investigation and determination of defendant's naturalization status.

Request <b>GRANTED</b> . The sentencing of defendant <u>Sam Ning Son Chiang</u> herein is rescheduled to <u>12-21-07</u>	
at <u>3:15 p.m.</u>	
<b>SO ORDERED.</b>	
DATE <u>11-7-07</u>	<u>[Signature]</u> <b>VICTOR MARRERO, U.S.D.J.</b>

Yours truly,

[Signature]  
LAWRENCE K. FEITELL

cc.: AUSA Joshua Klein  
USPO Sandra Campbell